

REMARKS

In the outstanding Office Action, the Examiner rejected claims 1-7 and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,707,515 to Ide et al. (“Ide”); and rejected claims 1, 4, and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. US2003/0227585 to Chang et al. (“Chang”).

By this amendment, Applicant has amended claims 1 and 17. Claims 1-20 remain pending in this application, with claims 1-7 and 17-20 presented for examination.

Regarding the rejection of claims 1-8 and 17-20 under 35 U.S.C. § 102(b), Applicant disagrees with the Examiner’s assertions and conclusions as set forth in the outstanding Office Action.¹ “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference ... [t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” MPEP § 2131 8th Ed. (Rev. 4), October, 2005 (internal citations omitted). Because Ide and Chang fail to teach or suggest each and every element recited in the claims, Applicant respectfully traverses these rejections.

A. Ide

Regarding the rejection of claim 1, at page 2 of the Office Action, the Examiner states that

[t]he limitation of EOLS is interpreted broadly ... thus limitation of during a time frame controlling the light from the backlight source to pass the regions in display time, the backlight source to pass each of the regions in sequence or the same time is [a] product by process limitation.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

Applicants disagree with the Examiner, and believe that the Examiner has mischaracterized claim 1.

Regarding product-by-process claims, the MPEP states

[t]he structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. See, e.g., *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979) (holding "interbonded by interfusion" to limit structure of the claimed composite and noting that terms such as "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations.) MPEP § 2113, 8th Ed. (Rev. 4), October, 2005 (emphasis added).

As illustrated in the MPEP, product-by-process claims refer to structural elements of a claim, wherein the structural element is further defined by a specific process for making or manufacturing the structural element. Accordingly, Applicants respectfully submit that claim 1 does not comprise any product-by-process limitations.

In any event, claim 1 recites a combination including at least "the EOLS controls the light emitted from the backlight source to pass through the regions at specific display time intervals, and the LCD panel receives the light emitted from the backlight source passing through the regions to display the image," (emphasis added). Ide fails to teach at least these elements.

Ide, in reference to Fig. 13., for example, teaches:

when a voltage is applied to the whole-surface electrodes of the first liquid crystal cell 16 display dependent on the reflection characteristic or the absorption characteristic of the color filter will be effected so that an optical shutter for a metallic tone can be opened or closed by applying or not

applying a voltage to the first crystal cell, (col. 18, lines 39-45) (emphasis added)

and

light ... emitted by the backlight 26 when it is lit up and transmitted through the color filter 24, is then transmitted through the reflection-type polarizing film 14 and falls on the second liquid crystal cell 18 ... [a]t this point, the first liquid crystal cell 16 [shutter] has no light guide effect, (col. 18, line 66 - col. 19, line 8) (emphasis added).

Ide thus teaches that although first liquid crystal cell 16 may be a shutter, second liquid crystal cell 18 does not receive light from the backlight source that has passed through first liquid crystal cell 16. This feature is further shown in Fig. 13, for example, wherein backlight 26 is formed below color filter 24 and second crystal cell 18. Moreover, Ide specifically teaches that when using the backlight 26, the first liquid crystal cell 16 does not act as a light guide or shutter. Accordingly, Ide not only fails to teach a combination including at least "the EOLS controls the light emitted from the backlight source to pass the regions at specific display time intervals, and the LCD panel receives the light emitted from the backlight source passing through the regions to display the image," as recited in claim 1, but also teaches away from such a combination. Claim 1 is thus allowable over Ide, and claims 2-7 are allowable at least due to their dependence on claim 1.

Regarding the rejection of claim 17, the Examiner alleges that "[t]he limitation of selectively biasing the transparent electrodes ... is met as the limitation does not elaborate on what selectively is meant." Office Action, page 3. Applicant does not agree with the Examiner's allegation, and notes that "selectively" is used in its common meaning such that "selectively biasing" means "not unconditionally biasing." Applicant

further notes that Ide fails to teach a combination including at least at least “selectively biasing the transparent electrodes to selectively allow the light from the backlight source to pass the EOLS at specific display time intervals during a frame time,” as recited in claim 17. As discussed above, with reference to claim 1, Ide teaches:

light ... emitted by the backlight 26 when it is lit up and transmitted through the color filter 24, is then transmitted through the reflection-type polarizing film 14 and falls on the second liquid crystal cell 18 ... [a]t this point, the first liquid crystal cell 16 [shutter] has no light guide effect, (col. 18, line 66 - col. 19, line 8) (emphasis added).

Ide thus teaches that when using the backlight 26, the first liquid crystal cell 16 does not act as a light guide or shutter. Accordingly, Ide fails to provide a teaching of “selectively biasing the transparent electrodes to selectively allow the light from the backlight source to pass the EOLS at specific display time intervals during a frame time,” as recited in claim 17. Claim 17 is thus allowable over Ide, and claims 18-20 are allowable at least due to their dependence on claim 17.

B. Chang

Regarding the Examiner’s rejection of claims 1, 4, and 8 under 35 U.S.C. § 102(b) as being anticipated by Chang, Applicants note that Chang has a publication date of December 11, 2003, and that the present application was filed December 17, 2003. Because the present application was filed within one year of the publication date of Chang, Applicants submit that Chang cannot be used as a reference under 35 U.S.C. § 102(b). MPEP § 2133, 8th Ed. (Rev. 4), October, 2005.

Specifically addressing the Examiner’s rejection of claim 1 as being anticipated by Chang, Applicants respectfully submit that Chang cannot anticipate at least claim 1, because the reference fails to teach or suggest a combination including at least “a

backlight source emitting light," and "an electro-optical light shutter," as recited in claim

1. Chang teaches:

a four-color LCD device 10 compris[ing] a first liquid crystal panel 12 and a second liquid crystal panel. Each of the two liquid crystal panels 12 and 14 is composed of a pair of opposite transparent substrates 18 and 18' with a liquid crystal layer 16 sandwiched between them. Transparent electrode layers 20 and 20' are disposed on two inner surfaces of the two transparent substrates 18 and 18'.
Chang, paragraph [0015].

However, Chang is silent as to "a backlight source emitting light," and "an electro-optical light shutter," as recited in claim 1. Because Chang fails to teach each and every element recited in claim 1, Chang cannot anticipate claim 1. Accordingly, claim 1 is allowable over Chang, and claims 4 and 8 are allowable at least due to their dependence on claim 1.

For at least the above reasons, Applicants respectfully submit that neither lde nor Chang anticipate claims 1-8 and 17-20. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-8 and 17-20 under 35 U.S.C. § 102(b).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: Darrell D. Kinder, Jr.
Darrell D. Kinder, Jr.
Reg. No. 57,460